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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		YOR920000840US1	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents P O Box 1450 Alexandria VA 22313-1450" [37 CFR 1.8(a)]		Application Number	Filed
on _____		09/822,703	3/30/01
Signature _____		First Named Inventor	
Typed or printed name _____		Basson et al.	
		Art Unit	Examiner
		2145	Adnan M. Mirza
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the		<i>Kevin M. Mason</i>	
<input type="checkbox"/>	applicant/inventor	Signature	
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96)	Kevin M. Mason	
<input checked="" type="checkbox"/>	attorney or agent of record Registration number 36,597	(203) 255-6560	
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34 Registration number if acting under 37 CFR 1.34 _____	Telephone number	
		May 18, 2007	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**5 Patent Application**

Applicant(s): Basson et al.  
Docket No.: YOR920000840US1  
Serial No.: 09/822,703  
10 Filing Date: March 30, 2001  
Group: 2145  
Examiner: Adnan M Mirza

Title: Prioritization of Networks for Preferred Groups  
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MEMORANDUM IN SUPPORT OF  
20 PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF  
Commissioner for Patents  
25 P O Box 1450  
Alexandria, VA 22313-1450

Sir:  
30

In response to the outstanding final Office Action, dated March 20, 2007,  
Applicants submit the following Pre-Appeal Brief. The present invention and prior art  
have been summarized in Applicants' prior responses.

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL  
35

The present application was filed on March 30, 2001 with claims 1  
through 50. Claims 1 through 50 are presently pending in the above-identified patent  
application. Claims 1-50 were rejected under 35 U S C. §103(a) as being unpatentable  
over Anderson (United States Patent Application Publication Number 2001/0025301) and  
40 further in view of Schuster et al. (United States Patent Number 6,584,490).

ARGUMENTS

Independent Claims 1, 14, 17, 21, 29, 32, 36, 44 and 47

Independent claims 1, 14, 17, 21, 29, 32, 36, 44, and 47 were rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson and further in view of Schuster et al. Regarding claims 1, 21, and 36, the Examiner asserts that Anderson teaches a) determining if network information is assigned to one or more preferred groups; and b) configuring a network to assign a higher priority to the network information when the network information is assigned to one or more preferred groups (page 4, paragraphs 39 and 43). The Examiner acknowledges that Anderson did not disclose in detail the “higher priority being relative to network information not assigned to one or more preferred groups,” but asserts that Schuster discloses “a selected low priority level would block calls from certain individuals, which calls from other individuals may be deemed important enough to set a high enough priority level to interrupt the business meeting.” (Col. 8, lines 58-62.) The Examiner asserts that a person of ordinary skill in the art would have combined the cited references to “reduce latency by improving priority scheduling.”

Applicants note that, although Anderson teaches that a “method should preferably prioritize transmission according to the destination that is receiving the most important, i.e. time critical, information” (page 2, paragraph 14), the method taught by Anderson *only* requires that “destinations receiving data *from many sources* will receive *priority*.” (Page 4, paragraph 43; emphasis added.) Anderson claims that “this is effective because communication stations 30 that receive traffic from many locations have been shown to be more likely to be receiving more time-critical traffic, or *to have many users*. Communication stations 30 that receive data from only a few sources have been shown to be more likely transferring large amounts of data, for which some delay is acceptable.” (Page 18, paragraph 223; emphasis added.) Contrary to Anderson’s assertion, the number of sources from which data is received is *not* indicative of a time critical characteristic of the data, as would be apparent to a person of ordinary skill in the art. For example, regardless of the number of sources, video conferencing streams are *typically time critical*. Similarly, large text files are *typically not time critical*, regardless

of the number of sources.

In any case, Anderson does *not* disclose or suggest configuring a network to assign a higher priority to the network information when the network information is assigned to one or more *preferred groups*. The present disclosure teaches that “preferred  
5 groups are those ***groups of individuals*** that are ***allowed to prioritize their communications*** over a network” (Page 4, lines 11-12; emphasis added ) Anderson does not disclose or suggest that preferred groups are *groups of individuals*, and does not disclose or suggest that preferred groups are *allowed to prioritize their communications*

The Examiner also acknowledges that Anderson did not disclose in detail  
10 that the “higher priority being relative to network information not assigned to one or more preferred groups,” but asserts that Schuster discloses “a selected low priority level would block calls from certain individuals, which calls from other individuals may be deemed important enough to set a high enough priority level to interrupt the business meeting.”

15 Applicants note that, as the Examiner acknowledges, the priority level disclosed by Schuster is utilized for determining *how received calls are handled* (blocked or allowed to interrupt a business meeting, etc ). Schuster teaches that,

20 in another embodiment, the user 220 may use the PID 210 to configure the voice communication device 208 to screen calls based on priority levels set for individuals for whom the user 220 has provided an entry in an address book.  
(Col. 10, line 65, to col. 11, line 1; emphasis added.)

Thus, the call handling is *provided by the voice communication device 208*. Schuster also teaches that voice communication device 208 is attached to the  
25 network (FIG. 2), but does ***not disclose or suggest that voice communication device 208 is an element of the network***. Thus, Schuster does *not* disclose or suggest that the priorities are utilized for ***configuring a network***, and does *not* disclose or suggest that the priorities are utilized for ***configuring a network to assign a higher priority to the network information*** when the network information is assigned to one or more preferred  
30 groups, as would be apparent to a person of ordinary skill in the art.

In any case, contrary to the Examiner's assertion, a person of ordinary skill in the art would *not* have combined the cited references to "reduce latency by improving priority scheduling," since the priority disclosed by Schuster is *not* related to priority scheduling that effects network latency, as defined in the art. Independent claims 1, 21, and 36 require configuring a network to assign a higher priority to the network information when the network information is assigned to one or more preferred groups, independent claims 14, 29, and 44 require configuring a network to assign a higher priority to network information assigned to the individual when the prioritization privilege indicates that the network information belongs to a preferred group, and independent claims 17, 32, and 47 require determining if an individual belongs to one or more preferred groups; marking network information associated with the individual with a priority label; and configuring a network to assign a higher priority, as compared to network information not marked with a priority label, to the marked network information.

Thus, Anderson and Schuster, alone or in combination, do not disclose or suggest configuring a network to assign a higher priority to the network information when the network information is assigned to one or more preferred groups, as required by independent claims 1, 21, and 36, do not disclose or suggest configuring a network to assign a higher priority to network information assigned to the individual when the prioritization privilege indicates that the network information belongs to a preferred group, as required by independent claims 14, 29, and 44, and do not disclose or suggest determining if an individual belongs to one or more preferred groups; marking network information associated with the individual with a priority label; and configuring a network to assign a higher priority, as compared to network information not marked with a priority label, to the marked network information, as required by independent claims 17, 32, and 47.

Dependent Claims 2-13, 15-16, 18-20, 22-28, 30-31, 33-35, 37-43, 45-46 and 48-50

Dependent claims 2-13, 15-16, 18-20, 22-28, 30-31, 33-35, 37-43, 45-46, and 48-50 were rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson and further in view of Schuster et al.

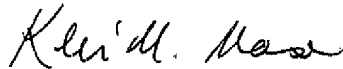
Claims 2-13, 15-16, 18-20, 22-28, 30-31, 33-35, 37-43, 45-46, and 48-50 are dependent on claims 1, 14, 17, 21, 29, 32, 36, 44, and 47, respectively, and are therefore patentably distinguished over Anderson and Schuster et al., alone or in combination, because of their dependency from independent claims 1, 14, 17, 21, 29, 32, 36, 44, and 47 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1-50, are in condition for allowance and such favorable action is earnestly solicited

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated

Respectfully submitted,



Date: May 18, 2007

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